



MICHIGAN SHERIFFS



A Proud Tradition



This booklet has been prepared in cooperation with the Michigan Department of Transportation, the Michigan Department of State Police, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan Sheriff's Association, the Michigan Association of Chiefs of Police, the Michigan Railroads Association, and Michigan Operation Lifesaver. (Rev. 09-05)

MICHIGAN'S

MODEL ENFORCEMENT GUIDE

FOR LAW ENFORCEMENT'S RESPONSE TO RAILROAD INCIDENTS



NOTES OF INTEREST

New Penalties for CDL Vehicle Operators Convicted of Railroad Crossing Violations:

October 1, 2002

P.A. 534

Persons convicted of any railroad crossing violation while operating a commercial motor vehicle (CMV) will be subject to the following CDL suspensions:

- A 60-day suspension for the first railroad crossing violation while operating a CMV.
- A 120-day CDL suspension for a second railroad crossing violation within 36-months while operating a CMV.
- A 1-year CDL suspension for three or more railroad crossing violations within 36-months while operating a CMV.

New Employer Penalty

MCL 257.319g establishes new civil infractions that could include a fine up to \$10,000 for employers who knowingly allow their drivers to operate a commercial motor vehicle in violation of the Federal Railroad-Highway Grade Crossing requirements referenced or adopted by the Michigan Vehicle Code, Pupil Transportation Act, Motor Carrier Safety Act or the Motor Bus Transportation Act.

Railroad Grade Crossing Stopping Requirements

P.A. 534 of 2002 standardizes the railroad grade crossing minimum stopping distance at fifteen (15) feet. It also institutes the requirement that all buses, vehicles carrying passengers for hire and vehicle transporting hazardous materials in amounts requiring placard activate the hazard warning lights when stopping. Previously the use of the hazard lights at a railroad crossing was only required for school buses.

Collisions between vehicles and trains at highway-rail intersections and trespassers along railroad rights-of-way are **PREVENTABLE**.

Strict enforcement of highway-rail statutes, combined with Education and Engineering initiatives in a community, reduce the loss of life and property damage related to highway-rail crashes and trespassing.

This guide has been prepared to assist law enforcement officers in their community highway-rail enforcement responsibilities.

**Strict Enforcement
of Highway-Rail
Statutes Saves Lives!**



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GRADE CROSSING COLLISION INVESTIGATION (GCCCI)

If railroad tracks run through your community, the potential exists for you or your officers to become involved in a specialized highway-rail grade crossing collision investigation. Grade Crossing Collision Investigation (GCCCI) courses at the Basic (4-hour), Intermediate (8-hour) and Advanced (16-hour) level are available to help officers more effectively investigate such incidents. Classes are offered free of charge.

This training was developed for the North America law enforcement community with the cooperation of the International Association of Chiefs of Police, the National Sheriffs Association, and Operation Lifesaver, a national nonprofit public education program dedicated to ending collisions, deaths and injuries at highway-rail grade crossings and on railroad right-of-way.

CONTENT OVERVIEW OF THE TRAINING

FOUR-HOUR CLASS (Classroom)

- Class orientation: introduction and pre-test.
- Video presentation and classroom discussion.
- Scope of the grade crossing collision problem: statistics, causation, speed and weight factors, stopping distances.
- Information needed to investigate grade crossing collisions.
- Essential information on railroad operations; locomotives and railcars; active and passive traffic control devices; event recorders; freight and passenger trains; railroad personnel and their responsibilities.
- Highway-rail grade crossing signs and signals.

EIGHT-HOUR CLASS (Classroom and/or Field Training)

- At your request class can include on-site review of train equipment, hazardous materials information, grade crossing signs and signals.

SIXTEEN-HOUR CLASS (Extensive Classroom and/or Field Training)

- Class includes more extensive hazardous materials training, including recognition, assessment and appropriate emergency response.
- Review of state and federal motor vehicle codes pertaining to highway-rail grade crossing safety and railroad trespass prevention.
- Review of case law pertaining to grade crossing collisions.

ALL CLASSES

- Post-test and review.
- Evaluation.
- All students issued GCCCI Manual and crash template.

**CONTACT MI OPERATION LIFESAVER
FOR MORE INFORMATION**



GRADE CROSSING COLLISION INVESTIGATION CHECKLIST

ENGINEER INFORMATION

- ☐ Name
- ☐ Address
- ☐ DOB
- ☐ Phone
- ☐ Time of collision
- ☐ Train speed estimate at collision
(Operators license number not required on accident report)

CONDUCTOR INFORMATION

- ☐ Name
- ☐ Address
- ☐ DOB
- ☐ Phone
- (Operators license number not required on accident report)

TRAIN INFORMATION

- ☐ Lead engine number
- ☐ Train ID number (from Conductor)
- ☐ Number of cars in train
- ☐ Railroad company name/address
(owns tracks)
- ☐ Name of railroad company
operating train
- ☐ Additional crew members

ENGINE INFORMATION

- ☐ Headlight working?
- ☐ Horn working?
- ☐ Bell working

MISCELLANEOUS INFORMATION

- ☐ RR car number on crossing?
- ☐ Distance to last RR car from POI?
- ☐ Witnesses

AT THIS POINT, IF NO FURTHER INFORMATION IS REQUIRED, CONSIDER RELEASING THE TRAIN

CROSSING SIGNALS

- ☐ Light/gate bell combination?
- ☐ Light/ bell combination?
- ☐ Passive warning (crossbucks)?
- ☐ Wig-way type?
- ☐ Lights flashing/bells ringing your arrival?
- ☐ Crossing gates down?
(If devices not working your arrival, explain)

OTHER CROSSING CHARACTERISTICS

- ☐ Advance warning signs in place?
* Distance from this sign to nearest rail?
- ☐ Crossing surface
(rubber, asphalt, etc.)
- ☐ Pavement markings?
- ☐ DOT/AAR crossing ID number?
- ☐ Width of right-of-way (ft.)?
- ☐ Visual obstructions on driver approach?
- ☐ Citation given if warranted?
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RAILROAD COMPANY EMERGENCY PHONE NUMBERS



Adrian & Blissfield Railroad (ADBF)

Office (517) 265-3626
24 Hour Pager (517) 204-4574

AMTRAK

24 Hour Police 1-800-331-0008

Ann Arbor Railroad (AA)

24 Hour Hallett Tower (419) 726-3237

Canadian National (CN)

24 Hour Police 1-800-465-9239

Canadian Pacific Railway (CP)

24 Hour Police 1-800-716-9132

Charlotte Southern Railroad (CHS)

24 Hour Pager (313) 220-2245
Colon Louks

Coe Railroad (COE)

Office (248) 960-9440 - After hours message will direct for emergency

Conrail (CR)

1-800-453-2530 (Norfolk Southern Police)

CSX Transportation (CSX)

24 Hour Police 1-800-232-0144

Delray Connecting Railroad (DC)

24 Hours (313) 841-2851

Detroit Connecting Railroad (DCON)

24 Hour Pager (313) 220-2245
Colon Louks

Escanaba & Lake Superior Railroad (ELS)

Office 1-800-200-2360
After Hours J. Beaudry (906) 376-2185 or (906) 630-6083
Bob Anderson (906) 542-3501

Grand Rapids Eastern Railroad (GRE)

American Rail Dispatch Center 1-866-527-3495

Huron & Eastern Railway (HE)

American Rail Dispatch Center 1-866-527-3495

SPECIAL INTELLIGENCE BULLETIN



MICHIGAN STATE POLICE INTELLIGENCE UNIT

Toll Free 877-616-4677

Fax - 517-333-5399

Phone - 517-336-6627

Emergency 800-525-5555

April 29, 2004
IU-89-04

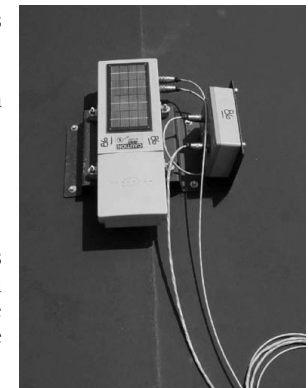
Legitimate GPS Devices Attached to Rail Cars

This bulletin is to make law enforcement agencies aware of a new GPS system being used to track chemical rail cars. In light of recent events in Spain, it is likely that these might elicit calls from concerned citizens. These are photos of a GPS device on a tank car for Dow Chemical. As of right now, only Dow is using these, but other chemical companies are planning on using them.

These are now being placed on chemical cars as tracking devices. Some 911 centers in the nation have received calls from the public about possible explosive devices on rail cars when they see these at crossings, etc.

These are legitimate industry safety devices.

A contact on this is:
Dave Hall, Texarkana Emergency Management



THREATS AND PROTECTION

The Department of Homeland Security merges under one roof the capability to anticipate, preempt and deter threats to the homeland whenever possible, and the ability to respond quickly when such threats do materialize.

DHS is responsible for assessing the vulnerabilities of the nation's critical infrastructure and cyber security threats and will take the lead in evaluating these vulnerabilities and coordinating with other federal, state, local, and private entities to ensure the most effective response.

EMERGENCIES & PROTECTION

In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility for ensuring that emergency response professionals are prepared for any situation. This will entail providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery effort.

Indiana Northeastern Railroad (IN)

Office (517) 439-4677
After hours Julie Gordon (517) 398-0005
Troy Strane (517) 617-1908

Indiana & Ohio Railway (IO)

24 Hour Emergency (513) 860-3636
24 Hour Dispatcher (513) 860-5655

Lapeer Industrial Railroad (LIRR)

24 Hour Pager (313) 220-2245
Colon Louks

Lake State Railway (LS)

Office (7:00 a.m. - midnight)
(989) 362-3465
After Hours Wil Gamble Home
(989) 362-4778

Lake Superior & Ishpeming (LSI)

24 Hour (906) 475-4617 or 5252

Michigan Shore Railroad (MS)

American Rail Dispatch Center 1-866-527-3495

Michigan Southern Railroad (MSO)

Office (269) 483-9968
Shane Cullen (309) 697-1400 Ext. 238

Mid-Michigan Railroad (MM)

American Rail Dispatch Center 1-866-527-3495

Norfolk Southern Railway (NS)

24 Hour Police 1-800-453-2530

Tuscola & Saginaw Bay Railroad (TSB)

24 Hour 1-800-622-7245

West Michigan Railroad (WMI)

Office (309) 697-1400 or 1-800-446-7245

Contact the Michigan Railroads Association at
mra.michiganrailroadsassociation.com

517-482-9413

for the latest emergency contact information.



GRADE CROSSING VIOLATIONS

MCL 257.667

Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction. Sec. 667

- (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:
 - (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.
 - (b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.
 - (c) A railroad train approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the train by reason of its speed or nearness to the crossing is an immediate hazard.
 - (d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.
- (2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.
- (3) A person who violates this section is responsible for a civil infraction.

MCL 257.668

Designating certain grade crossings as “stop” crossings or “yield” crossings; signs; duties of driver; cost of yield sign installations; action for negligence; failure to stop or yield as civil infraction. Sec. 668

- (1) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as “stop” crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is so designated and signposted, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety.
- (2) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as is the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain

for such incidents, and then testing those plans and procedures in disaster exercises centered on terrorist activities. Many businesses – especially larger ones that could potentially be a target of terrorism – have tested and assessed existing emergency plans and procedures and are training personnel in anti-terrorism methods. These combined efforts of government, business and individual citizens form the cornerstone of Michigan’s continuing fight against terrorism.

FEDERAL EMERGENCY PREPAREDNESS & RESPONSE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

NIMS establishes standardized incident management processes, protocols, and procedures that all responders -- Federal, state, tribal, and local -- will use to coordinate and conduct response actions. With responders using the same standardized procedures, they will all share a common focus, and will be able to place full emphasis on incident management when a homeland security incident occurs -- whether terrorism or natural disaster. In addition, national preparedness and readiness in responding to and recovering from an incident is enhanced since all of the Nation's emergency teams and authorities are using a common language and set of procedures.

KEY FEATURES OF NIMS

- Incident Command System (ICS)
 - NIMS establishes ICS as a standard incident management organization with five functional areas -- command, operations, planning, logistics, and finance/administration -- for management of all major incidents.
- Communications and Information Management
 - Standardized communications during an incident are essential and NIMS prescribes interoperable communications systems for both incident and information management.
- Preparedness
 - Preparedness incorporates a range of measures, actions, and processes accomplished before an incident happens.
- Joint Information System (JIS)
 - NIMS organizational measures enhance the public communication effort.
- NIMS Integration Center (NIC)
 - To ensure that NIMS remains an accurate and effective management tool, the NIMS NIC will be established by the Secretary of Homeland Security to assess proposed changes to NIMS, capture, and evaluate lessons learned, and employ best practices.

What is Michigan doing about the threat of terrorism?

Terrorism is being addressed on many fronts in Michigan at federal, state and local levels. The Michigan State Police (MSP) is spearheading state government's response. The Michigan State Police investigate suspected or potential criminal enterprises and activities – including those that involve terrorism – and works to prevent criminals from perpetrating acts of terror in the first place. In fact, prevention is our number one priority. In addition, the MSP (in conjunction with other state agencies) continuously prepare to respond to terrorist incidents through its emergency planning, training and exercising efforts. Many state agencies, including the state departments of Military Affairs, Environmental Quality, Agriculture, Transportation, and Community Health, have a critical role to play in Michigan's response and recovery plans.

The MSP Emergency Management Division (EMD) is responsible for coordinating the state's response to a wide range of emergencies and disasters, both natural and manmade. While familiar hazards such as floods, tornadoes, chemical spills, wildfires, and winter storms continue to threaten public health and safety in Michigan, terrorism involving the use of chemical, biological, radiological, nuclear, or explosive (CBRNE) weapons of mass destruction (WMD) have recently emerged as serious and disturbing threats.

Recognizing that the state needs the ability to respond to terrorist events involving the use of Weapons of Mass Destruction, a WMD Regional Response Team Network (RRTN) was formed. The RRTN provides quick response capability to WMD/terrorism incidents, coordinates resources and expertise at local, state and federal levels across a wide range of disciplines. Additionally, the resources of the local teams and communities are supplemented with the Michigan Department of State Police contributing the resources and response of its Emergency Support Team, Canine Unit, Bomb Squad, Aviation Unit, and Underwater Recovery Unit.

In conjunction with the State Police special teams, the Michigan Urban Search and Rescue (MUSAR) organization is also a critical response asset. Michigan Urban Search and Rescue, is a privately funded organization working in cooperation with the fire service, local emergency management, the Michigan Department of State Police and private sector agencies. MUSAR's role is to provide a statewide capability for specialized response to structural collapse emergencies and incidents requiring specialized training in search and rescue. Michigan Urban Search and Rescue is prepared to respond with specialized resources.

The Michigan National Guard, 51st WMD/Civil Support Team, provides additional support for the RRTN. The 51st WMD/Civil Support Team deploys to a WMD or suspected WMD incident in support of the local incident commander to: Assess a suspected nuclear, chemical, biological or radiological event; Advise the Incident Commander on appropriate courses of action to protect the local population; Assist with appropriate requests for state additional support. They also provide informational briefings, exercises, and cross training activities with state and local first responders. Local governments are also preparing for a wide range of emergency situations.

Local law enforcement, fire, public works, and emergency medical agencies and personnel are being trained in how to properly respond to potential terrorism incidents. In addition, communities are developing plans and procedures

a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless such devices or signs were ordered by public authority, shall not be a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

- (3) A person who fails to stop or yield as required by this section is responsible for a civil infraction.

MCL 257.669

Certain vehicles to stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; violation as civil infraction.

Sec. 669

- (1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 C.F.R. parts 100 to 180 before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.
- (2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.
- (3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:
 - (i) The track has been abandoned pursuant to federal law.
 - (ii) The track has been covered or removed.
 - (iii) All signs, signals, and other warning devices are removed.
- (4) A stop shall not be made at an industrial or spur line railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by all railroads operating over that industrial or spur line.
- (5) A person who violates this section is responsible for a civil infraction.



CIVIL INFRACTIONS

MCL 257.669a

Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings. Sec. 669a

- (1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a.
- (2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.
- (3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.
- (4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.
- (5) A person who violates this section is responsible for a civil infraction.

MCL 257.670

Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction. Sec. 670

- (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.
- (2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.
- (3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.
- (5) A person who violates this section is responsible for a civil infraction.

REPORTING SPILLS

The party responsible for the release has the obligation to clean up the spill. For very small spills, minimal or no remediation may be necessary; if there is any question about this determination, the on-scene incident commander should contact the appropriate DEQ/RRD district office. If remediation is necessary, the cleanup of any size spill is less expensive and involved if addressed promptly. If the release is serious and prompt cleanup is needed, the on-scene incident commander may choose to contact a cleanup contractor directly. If necessary, the RRD can also help by establishing contact with the vehicle owner. Often, the insurance carrier of the owner of the vehicle involved will cover the cleanup and payment of costs associated with a transportation release.

SPILL INFORMATION

Obtain the following information to assist in cleanup of an environmental spill:
Vehicle Owner Owner's Representative Driver of Vehicle

Name:

Address:

Phone:

Specific Release Location: (street address, city, county, mile marker) and exact area where loss occurred (ditch, road shoulder, median, pavement, near or in surface water or wetlands)

Material(s) released and estimated quantity released:

Date and time release was discovered:

Cause of release:

Any actions taken in response to the loss and by whom:

Name and phone number of insurance carrier, if available:

Name of on-scene commander/contact:

Phone number (cellular if available):

Note: The liable party has reporting obligations that are not satisfied by this form. For complete information about reporting releases, contact your nearest DEQ District Office. Information on spill release reporting can also be accessed from the DEQ Home Page at: michigan.gov/deq (enter Spill Release Reporting in search).

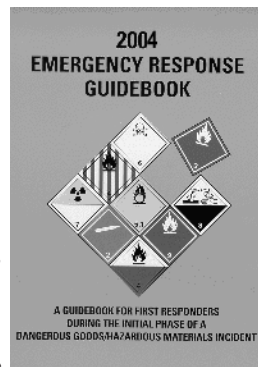
CONTACT INFORMATION

When requesting DEQ/RRD involvement, spills should be reported directly to the applicable DEQ district office during normal business hours (8 AM-5 PM). Please fax this form to the district office and provide additional follow-up information, such as photographs or sketches, as available. After hours and on weekends, releases can be reported by calling the **DEQ's Pollution Emergency Alerting System (PEAS) hotline at 800-292-4706.**

HAZARDOUS MATERIALS INCIDENTS

Law enforcement officers responding to a crash or incident involving a hazardous material where a leak, spill, fire, or explosion has occurred, or may occur, or which holds a potential for endangering life or property, should:

- Notify the local fire department through dispatch.
- Attempt to identify the material involved if it can be done safely and provide the information to dispatch.
- Identification of the material can usually be made by obtaining the U.N. Identification Number from placards, shipping papers, or container labels, and consulting the U.S. DOT publication, "Emergency Response Guidebook."
- Using the information from the "Emergency Response Guidebook" regarding suggested precautions for the particular material involved, necessary actions shall be taken to reduce the immediate risk to life and property.
- For incidents involving unusual or unfamiliar hazardous materials, or for assistance in contacting the shipper, Chemical Transportation Emergency Center, CHEMTREC, may be contacted. CHEMTREC can provide;
 - Immediate advice on the nature of the product and steps to be taken in handling the early stage of the incident.
 - Contact with the shipper of the material involved for more detailed information and appropriate follow-up, including on-scene assistance when feasible.



CHEMTREC can be reached 24 hours a day at 1-800-424-9300.

- Rescue attempts shall only be made when they will not endanger other lives, including that of the officer.
- Secure the scene, pending the arrival of personnel from agencies having specific hazardous materials responsibilities.

RESPONDING TO VEHICLE-RELATED RELEASES IN MICHIGAN

Information for police and fire departments and other agencies responding to vehicle-related spills, and involvement by the Department of Environmental Quality (DEQ) in such incidents.

TYPES OF SPILLS

Transportation-related spills occur frequently on Michigan's roads, highways, and railways. Releases from these accidents may include diesel fuel, gasoline, motor oil, transmission fluids, and anti-freeze. Accidents involving tankers, fuel oil delivery trucks, and other similar haulers may result in significant releases. Based on the nature and size of a release and the threat to public health, safety, or the environment, fire or police responders may seek input from the DEQ Remediation & Redevelopment Division (RRD).

MCL 257.674

Prohibited parking; exceptions; bus loading zone; violation as civil infraction.

Sec. 674 states in part;

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
 - (i) Within 50 feet of the nearest rail of a railroad crossing.
- (4) A person who violates this section is responsible for a civil infraction.

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

R28.171 I

Pedestrians; obedience to bridge and railroad barriers, violation as a civil infraction.

Rule 71 I

Pedestrians; obedience to bridge and railroad barriers; violation as civil infraction.

- (1) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.
- (2) A person who violates this rule is responsible for a civil infraction.



SCHOOL BUS VIOLATIONS

MCL 257.1857

**Railroad track grade crossings; requirements; “abandoned railroad track” defined; violation as civil infraction; fine; processing.
Sec. 57**

- (1) Except as provided in subsections (2), (3), and (4), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.
- (2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.
- (3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, “abandoned railroad track” means a railroad track which meets all of the following requirements:
 - (a) The track has been abandoned pursuant to the former provisions of Act No. 56 of the Public Acts of 1919, being sections 469.241 to 469.246 of the Michigan Compiled Laws; section 14 of Act No. 300 of the Public Acts of 1909, being section 462.14 of the Michigan Compiled Laws; or federal law.
 - (b) The track has been covered or removed.
 - (c) All signs, signals, and other warning devices are removed.
- (4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.
- (5) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.



UD-10 QUESTIONS?

Call the

CRIMINAL JUSTICE INFORMATION CENTER

517.322.5030

or

517.322.5418

or

517.322.6910

Or visit the Web Site at:

www.michigan.gov/crash

**Be Safe at Highway-Rail
Intersections.**

LOOK, LISTEN, LIVE!



CIVIL INFRACTIONS



BACK

Unit Number State Driver License Number

Date of Birth

NCS

Unit Type ☐ MV ☐ P ☐ E ☐ H ☐ B ☐ T ☐ R ☐ S ☐ L ☐ O ☐ F ☐ A

Name Street Address City State Zip Phone Number

Driver Condition ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10) ☐ (11) ☐ (12) ☐ (13) ☐ (14) ☐ (15) ☐ (16) ☐ (17) ☐ (18) ☐ (19) ☐ (20) ☐ (21) ☐ (22) ☐ (23) ☐ (24) ☐ (25) ☐ (26) ☐ (27) ☐ (28) ☐ (29) ☐ (30) ☐ (31) ☐ (32) ☐ (33) ☐ (34) ☐ (35) ☐ (36) ☐ (37) ☐ (38) ☐ (39) ☐ (40) ☐ (41) ☐ (42) ☐ (43) ☐ (44) ☐ (45) ☐ (46) ☐ (47) ☐ (48) ☐ (49) ☐ (50) ☐ (51) ☐ (52) ☐ (53) ☐ (54) ☐ (55) ☐ (56) ☐ (57) ☐ (58) ☐ (59) ☐ (60) ☐ (61) ☐ (62) ☐ (63) ☐ (64) ☐ (65) ☐ (66) ☐ (67) ☐ (68) ☐ (69) ☐ (70) ☐ (71) ☐ (72) ☐ (73) ☐ (74) ☐ (75) ☐ (76) ☐ (77) ☐ (78) ☐ (79) ☐ (80) ☐ (81) ☐ (82) ☐ (83) ☐ (84) ☐ (85) ☐ (86) ☐ (87) ☐ (88) ☐ (89) ☐ (90) ☐ (91) ☐ (92) ☐ (93) ☐ (94) ☐ (95) ☐ (96) ☐ (97) ☐ (98) ☐ (99) ☐ (100)

Interlock ☐ Yes ☐ No ☐ Refused ☐ Not Offered ☐ Breath ☐ Blood ☐ Urine ☐ Test Results

Alcohol ☐ Yes ☐ No ☐ Field ☐ PBT ☐ Breath ☐ Blood ☐ Urine ☐ Test Results

Drugs ☐ Yes ☐ No ☐ Test Type ☐ Blood ☐ Urine ☐ Test Results

Vehicle Registration ☐ Yes ☐ No ☐ Towed To/By

VIN

Location of Greatest Damage ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10) ☐ (11) ☐ (12) ☐ (13) ☐ (14) ☐ (15) ☐ (16) ☐ (17) ☐ (18) ☐ (19) ☐ (20) ☐ (21) ☐ (22) ☐ (23) ☐ (24) ☐ (25) ☐ (26) ☐ (27) ☐ (28) ☐ (29) ☐ (30) ☐ (31) ☐ (32) ☐ (33) ☐ (34) ☐ (35) ☐ (36) ☐ (37) ☐ (38) ☐ (39) ☐ (40) ☐ (41) ☐ (42) ☐ (43) ☐ (44) ☐ (45) ☐ (46) ☐ (47) ☐ (48) ☐ (49) ☐ (50) ☐ (51) ☐ (52) ☐ (53) ☐ (54) ☐ (55) ☐ (56) ☐ (57) ☐ (58) ☐ (59) ☐ (60) ☐ (61) ☐ (62) ☐ (63) ☐ (64) ☐ (65) ☐ (66) ☐ (67) ☐ (68) ☐ (69) ☐ (70) ☐ (71) ☐ (72) ☐ (73) ☐ (74) ☐ (75) ☐ (76) ☐ (77) ☐ (78) ☐ (79) ☐ (80) ☐ (81) ☐ (82) ☐ (83) ☐ (84) ☐ (85) ☐ (86) ☐ (87) ☐ (88) ☐ (89) ☐ (90) ☐ (91) ☐ (92) ☐ (93) ☐ (94) ☐ (95) ☐ (96) ☐ (97) ☐ (98) ☐ (99) ☐ (100)

First Name Middle Last

Street Address City State Zip Phone Number

Injury ☐ X ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐ K ☐ L ☐ M ☐ N ☐ O ☐ P ☐ Q ☐ R ☐ S ☐ T ☐ U ☐ V ☐ W ☐ X ☐ Y ☐ Z ☐ AA ☐ AB ☐ AC ☐ AD ☐ AE ☐ AF ☐ AG ☐ AH ☐ AI ☐ AJ ☐ AK ☐ AL ☐ AM ☐ AN ☐ AO ☐ AP ☐ AQ ☐ AR ☐ AS ☐ AT ☐ AU ☐ AV ☐ AW ☐ AX ☐ AY ☐ AZ ☐ BA ☐ BB ☐ BC ☐ BD ☐ BE ☐ BF ☐ BG ☐ BH ☐ BI ☐ BJ ☐ BK ☐ BL ☐ BM ☐ BN ☐ BO ☐ BP ☐ BQ ☐ BR ☐ BS ☐ BT ☐ BU ☐ BV ☐ BW ☐ BX ☐ BY ☐ BZ ☐ CA ☐ CB ☐ CC ☐ CD ☐ CE ☐ CF ☐ CG ☐ CH ☐ CI ☐ CJ ☐ CK ☐ CL ☐ CM ☐ CN ☐ CO ☐ CP ☐ CQ ☐ CR ☐ CS ☐ CT ☐ CU ☐ CV ☐ CW ☐ CX ☐ CY ☐ CZ ☐ DA ☐ DB ☐ DC ☐ DD ☐ DE ☐ DF ☐ DG ☐ DH ☐ DI ☐ DJ ☐ DK ☐ DL ☐ DM ☐ DN ☐ DO ☐ DP ☐ DQ ☐ DR ☐ DS ☐ DT ☐ DU ☐ DV ☐ DW ☐ DX ☐ DY ☐ DZ ☐ EA ☐ EB ☐ EC ☐ ED ☐ EE ☐ EF ☐ EG ☐ EH ☐ EI ☐ EJ ☐ EK ☐ EL ☐ EM ☐ EN ☐ EO ☐ EP ☐ EQ ☐ ER ☐ ES ☐ ET ☐ EU ☐ EV ☐ EW ☐ EX ☐ EY ☐ EZ ☐ FA ☐ FB ☐ FC ☐ FD ☐ FE ☐ FF ☐ FG ☐ FH ☐ FI ☐ FJ ☐ FK ☐ FL ☐ FM ☐ FN ☐ FO ☐ FP ☐ FQ ☐ FR ☐ FS ☐ FT ☐ FU ☐ FV ☐ FW ☐ FX ☐ FY ☐ FZ ☐ GA ☐ GB ☐ GC ☐ GD ☐ GE ☐ GF ☐ GG ☐ GH ☐ GI ☐ GJ ☐ GK ☐ GL ☐ GM ☐ GN ☐ GO ☐ GP ☐ GQ ☐ GR ☐ GS ☐ GT ☐ GU ☐ GV ☐ GW ☐ GX ☐ GY ☐ GZ ☐ HA ☐ HB ☐ HC ☐ HD ☐ HE ☐ HF ☐ HG ☐ HH ☐ HI ☐ HJ ☐ HK ☐ HL ☐ HM ☐ HN ☐ HO ☐ HP ☐ HQ ☐ HR ☐ HS ☐ HT ☐ HU ☐ HV ☐ HW ☐ HX ☐ HY ☐ HZ ☐ IA ☐ IB ☐ IC ☐ ID ☐ IE ☐ IF ☐ IG ☐ IH ☐ II ☐ IJ ☐ IK ☐ IL ☐ IM ☐ IN ☐ IO ☐ IP ☐ IQ ☐ IR ☐ IS ☐ IT ☐ IU ☐ IV ☐ IW ☐ IX ☐ IY ☐ IZ ☐ JA ☐ JB ☐ JC ☐ JD ☐ JE ☐ JF ☐ JG ☐ JH ☐ JI ☐ JJ ☐ JK ☐ JL ☐ JM ☐ JN ☐ JO ☐ JP ☐ JQ ☐ JR ☐ JS ☐ JT ☐ JU ☐ JV ☐ JW ☐ JX ☐ JY ☐ JZ ☐ KA ☐ KB ☐ KC ☐ KD ☐ KE ☐ KF ☐ KG ☐ KH ☐ KI ☐ KJ ☐ KK ☐ KL ☐ KM ☐ KN ☐ KO ☐ KP ☐ KQ ☐ KR ☐ KS ☐ KT ☐ KU ☐ KV ☐ KW ☐ KX ☐ KY ☐ KZ ☐ LA ☐ LB ☐ LC ☐ LD ☐ LE ☐ LF ☐ LG ☐ LH ☐ LI ☐ LJ ☐ LK ☐ LL ☐ LM ☐ LN ☐ LO ☐ LP ☐ LQ ☐ LR ☐ LS ☐ LT ☐ LU ☐ LV ☐ LW ☐ LX ☐ LY ☐ LZ ☐ MA ☐ MB ☐ MC ☐ MD ☐ ME ☐ MF ☐ MG ☐ MH ☐ MI ☐ MJ ☐ MK ☐ ML ☐ MN ☐ MO ☐ MP ☐ MQ ☐ MR ☐ MS ☐ MT ☐ MU ☐ MV ☐ MW ☐ MX ☐ MY ☐ MZ ☐ NA ☐ NB ☐ NC ☐ ND ☐ NE ☐ NF ☐ NG ☐ NH ☐ NI ☐ NJ ☐ NK ☐ NL ☐ NM ☐ NO ☐ NP ☐ NQ ☐ NR ☐ NS ☐ NT ☐ NU ☐ NV ☐ NW ☐ NX ☐ NY ☐ NZ ☐ OA ☐ OB ☐ OC ☐ OD ☐ OE ☐ OF ☐ OG ☐ OH ☐ OI ☐ OJ ☐ OK ☐ OL ☐ OM ☐ ON ☐ OO ☐ OP ☐ OQ ☐ OR ☐ OS ☐ OT ☐ OU ☐ OV ☐ OW ☐ OX ☐ OY ☐ OZ ☐ PA ☐ PB ☐ PC ☐ PD ☐ PE ☐ PF ☐ PG ☐ PH ☐ PI ☐ PJ ☐ PK ☐ PL ☐ PM ☐ PN ☐ PO ☐ PP ☐ PQ ☐ PR ☐ PS ☐ PT ☐ PU ☐ PV ☐ PW ☐ PX ☐ PY ☐ PZ ☐ QA ☐ QB ☐ QC ☐ QD ☐ QE ☐ QF ☐ QG ☐ QH ☐ QI ☐ QJ ☐ QK ☐ QL ☐ QM ☐ QN ☐ QO ☐ QP ☐ QQ ☐ QR ☐ QS ☐ QT ☐ QU ☐ QV ☐ QW ☐ QX ☐ QY ☐ QZ ☐ RA ☐ RB ☐ RC ☐ RD ☐ RE ☐ RF ☐ RG ☐ RH ☐ RI ☐ RJ ☐ RK ☐ RL ☐ RM ☐ RN ☐ RO ☐ RP ☐ RQ ☐ RR ☐ RS ☐ RT ☐ RU ☐ RV ☐ RW ☐ RX ☐ RY ☐ RZ ☐ SA ☐ SB ☐ SC ☐ SD ☐ SE ☐ SF ☐ SG ☐ SH ☐ SI ☐ SJ ☐ SK ☐ SL ☐ SM ☐ SN ☐ SO ☐ SP ☐ SQ ☐ SR ☐ SS ☐ ST ☐ SU ☐ SV ☐ SW ☐ SX ☐ SY ☐ SZ ☐ TA ☐ TB ☐ TC ☐ TD ☐ TE ☐ TF ☐ TG ☐ TH ☐ TI ☐ TJ ☐ TK ☐ TL ☐ TM ☐ TN ☐ TO ☐ TP ☐ TQ ☐ TR ☐ TS ☐ TU ☐ TV ☐ TW ☐ TX ☐ TY ☐ TZ ☐ UA ☐ UB ☐ UC ☐ UD ☐ UE ☐ UF ☐ UG ☐ UH ☐ UI ☐ UJ ☐ UK ☐ UL ☐ UM ☐ UN ☐ UO ☐ UP ☐ UQ ☐ UR ☐ US ☐ UT ☐ UU ☐ UV ☐ UW ☐ UX ☐ UY ☐ UZ ☐ VA ☐ VB ☐ VC ☐ VD ☐ VE ☐ VF ☐ VG ☐ VH ☐ VI ☐ VJ ☐ VK ☐ VL ☐ VM ☐ VN ☐ VO ☐ VP ☐ VQ ☐ VR ☐ VS ☐ VT ☐ VU ☐ VV ☐ VW ☐ VX ☐ VY ☐ VZ ☐ WA ☐ WB ☐ WC ☐ WD ☐ WE ☐ WF ☐ WG ☐ WH ☐ WI ☐ WJ ☐ WK ☐ WL ☐ WM ☐ WN ☐ WO ☐ WP ☐ WQ ☐ WR ☐ WS ☐ WT ☐ WU ☐ WV ☐ WW ☐ WX ☐ WY ☐ WZ ☐ XA ☐ XB ☐ XC ☐ XD ☐ XE ☐ XF ☐ XG ☐ XH ☐ XI ☐ XJ ☐ XK ☐ XL ☐ XM ☐ XN ☐ XO ☐ XP ☐ XQ ☐ XR ☐ XS ☐ XT ☐ XU ☐ XV ☐ XW ☐ XX ☐ XY ☐ XZ ☐ YA ☐ YB ☐ YC ☐ YD ☐ YE ☐ YF ☐ YG ☐ YH ☐ YI ☐ YJ ☐ YK ☐ YL ☐ YM ☐ YN ☐ YO ☐ YP ☐ YQ ☐ YR ☐ YS ☐ YT ☐ YU ☐ YV ☐ YW ☐ YX ☐ YZ ☐ ZA ☐ ZB ☐ ZC ☐ ZD ☐ ZE ☐ ZF ☐ ZG ☐ ZH ☐ ZI ☐ ZJ ☐ ZK ☐ ZL ☐ ZM ☐ ZN ☐ ZO ☐ ZP ☐ ZQ ☐ ZR ☐ ZS ☐ ZT ☐ ZU ☐ ZV ☐ ZW ☐ ZX ☐ ZY ☐ ZZ

First Name Middle Last

Street Address City State Zip Phone Number

Injury ☐ X ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐ K ☐ L ☐ M ☐ N ☐ O ☐ P ☐ Q ☐ R ☐ S ☐ T ☐ U ☐ V ☐ W ☐ X ☐ Y ☐ Z ☐ AA ☐ AB ☐ AC ☐ AD ☐ AE ☐ AF ☐ AG ☐ AH ☐ AI ☐ AJ ☐ AK ☐ AL ☐ AM ☐ AN ☐ AO ☐ AP ☐ AQ ☐ AR ☐ AS ☐ AT ☐ AU ☐ AV ☐ AW ☐ AX ☐ AY ☐ AZ ☐ BA ☐ BB ☐ BC ☐ BD ☐ BE ☐ BF ☐ BG ☐ BH ☐ BI ☐ BJ ☐ BK ☐ BL ☐ BM ☐ BN ☐ BO ☐ BP ☐ BQ ☐ BR ☐ BS ☐ BT ☐ BU ☐ BV ☐ BW ☐ BX ☐ BY ☐ BZ ☐ CA ☐ CB ☐ CC ☐ CD ☐ CE ☐ CF ☐ CG ☐ CH ☐ CI ☐ CJ ☐ CK ☐ CL ☐ CM ☐ CN ☐ CO ☐ CP ☐ CQ ☐ CR ☐ CS ☐ CT ☐ CU ☐ CV ☐ CW ☐ CX ☐ CY ☐ CZ ☐ DA ☐ DB ☐ DC ☐ DD ☐ DE ☐ DF ☐ DG ☐ DH ☐ DI ☐ DJ ☐ DK ☐ DL ☐ DM ☐ DN ☐ DO ☐ DP ☐ DQ ☐ DR ☐ DS ☐ DT ☐ DU ☐ DV ☐ DW ☐ DX ☐ DY ☐ DZ ☐ EA ☐ EB ☐ EC ☐ ED ☐ EE ☐ EF ☐ EG ☐ EH ☐ EI ☐ EJ ☐ EK ☐ EL ☐ EM ☐ EN ☐ EO ☐ EP ☐ EQ ☐ ER ☐ ES ☐ ET ☐ EU ☐ EV ☐ EW ☐ EX ☐ EY ☐ EZ ☐ FA ☐ FB ☐ FC ☐ FD ☐ FE ☐ FG ☐ FH ☐ FI ☐ FJ ☐ FK ☐ FL ☐ FM ☐ FN ☐ FO ☐ FP ☐ FQ ☐ FR ☐ FS ☐ FT ☐ FU ☐ FV ☐ FW ☐ FX ☐ FY ☐ FZ ☐ GA ☐ GB ☐ GC ☐ GD ☐ GE ☐ GF ☐ GG ☐ GH ☐ GI ☐ GJ ☐ GK ☐ GL ☐ GM ☐ GN ☐ GO ☐ GP ☐ GQ ☐ GR ☐ GS ☐ GT ☐ GU ☐ GV ☐ GW ☐ GX ☐ GY ☐ GZ ☐ HA ☐ HB ☐ HC ☐ HD ☐ HE ☐ HF ☐ HG ☐ HH ☐ HI ☐ HJ ☐ HK ☐ HL ☐ HM ☐ HN ☐ HO ☐ HP ☐ HQ ☐ HR ☐ HS ☐ HT ☐ HU ☐ HV ☐ HW ☐ HX ☐ HY ☐ HZ ☐ IA ☐ IB ☐ IC ☐ ID ☐ IE ☐ IF ☐ IG ☐ IH ☐ II ☐ IJ ☐ IK ☐ IL ☐ IM ☐ IN ☐ IO ☐ IP ☐ IQ ☐ IR ☐ IS ☐ IT ☐ IU ☐ IV ☐ IW ☐ IX ☐ IY ☐ IZ ☐ JA ☐ JB ☐ JC ☐ JD ☐ JE ☐ JF ☐ JG ☐ JH ☐ JI ☐ JJ ☐ JK ☐ JL ☐ JM ☐ JN ☐ JO ☐ JP ☐ JQ ☐ JR ☐ JS ☐ JT ☐ JU ☐ JV ☐ JW ☐ JX ☐ JY ☐ JZ ☐ KA ☐ KB ☐ KC ☐ KD ☐ KE ☐ KF ☐ KG ☐ KH ☐ KI ☐ KJ ☐ KK ☐ KL ☐ KM ☐ KN ☐ KO ☐ KP ☐ KQ ☐ KR ☐ KS ☐ KT ☐ KU ☐ KV ☐ KW ☐ KX ☐ KY ☐ KZ ☐ LA ☐ LB ☐ LC ☐ LD ☐ LE ☐ LF ☐ LG ☐ LH ☐ LI ☐ LJ ☐ LK ☐ LL ☐ LM ☐ LN ☐ LO ☐ LP ☐ LQ ☐ LR ☐ LS ☐ LT ☐ LU ☐ LV ☐ LW ☐ LX ☐ LY ☐ LZ ☐ MA ☐ MB ☐ MC ☐ MD ☐ ME ☐ MF ☐ MG ☐ MH ☐ MI ☐ MJ ☐ MK ☐ ML ☐ MN ☐ MO ☐ MP ☐ MQ ☐ MR ☐ MS ☐ MT ☐ MU ☐ MV ☐ MW ☐ MX ☐ MY ☐ MZ ☐ NA ☐ NB ☐ NC ☐ ND ☐ NE ☐ NF ☐ NG ☐ NH ☐ NI ☐ NJ ☐ NK ☐ NL ☐ NM ☐ NO ☐ NP ☐ NQ ☐ NR ☐ NS ☐ NT ☐ NU ☐ NV ☐ NW ☐ NX ☐ NY ☐ NZ ☐ OA ☐ OB ☐ OC ☐ OD ☐ OE ☐ OF ☐ OG ☐ OH ☐ OI ☐ OJ ☐ OK ☐ OL ☐ OM ☐ ON ☐ OO ☐ OP ☐ OQ ☐ OR ☐ OS ☐ OT ☐ OU ☐ OV ☐ OW ☐ OX ☐ OY ☐ OZ ☐ PA ☐ PB ☐ PC ☐ PD ☐ PE ☐ PF ☐ PG ☐ PH ☐ PI ☐ PJ ☐ PK ☐ PL ☐ PM ☐ PN ☐ PO ☐ PP ☐ PQ ☐ PR ☐ PS ☐ PT ☐ PU ☐ PV ☐ PW ☐ PX ☐ PY ☐ PZ ☐ QA ☐ QB ☐ QC ☐ QD ☐ QE ☐ QF ☐ QG ☐ QH ☐ QI ☐ QJ ☐ QK ☐ QL ☐ QM ☐ QN ☐ QO ☐ QP ☐ QQ ☐ QR ☐ QS ☐ QT ☐ QU ☐ QV ☐ QW ☐ QX ☐ QY ☐ QZ ☐ RA ☐ RB ☐ RC ☐ RD ☐ RE ☐ RF ☐ RG ☐ RH ☐ RI ☐ RJ ☐ RK ☐ RL ☐ RM ☐ RN ☐ RO ☐ RP ☐ RQ ☐ RR ☐ RS ☐ RT ☐ RU ☐ RV ☐ RW ☐ RX ☐ RY ☐ RZ ☐ SA ☐ SB ☐ SC ☐ SD ☐ SE ☐ SF ☐ SG ☐ SH ☐ SI ☐ SJ ☐ SK ☐ SL ☐ SM ☐ SN ☐ SO ☐ SP ☐ SQ ☐ SR ☐ SS ☐ ST ☐ SU ☐ SV ☐ SW ☐ SX ☐ SY ☐ SZ ☐ TA ☐ TB ☐ TC ☐ TD ☐ TE ☐ TF ☐ TG ☐ TH ☐ TI ☐ TJ ☐ TK ☐ TL ☐ TM ☐ TN ☐ TO ☐ TP ☐ TQ ☐ TR ☐ TS ☐ TU ☐ TV ☐ TW ☐ TX ☐ TY ☐ TZ ☐ UA ☐ UB ☐ UC ☐ UD ☐ UE ☐ UF ☐ UG ☐ UH ☐ UI ☐ UJ ☐ UK ☐ UL ☐ UM ☐ UN ☐ UO ☐ UP ☐ UQ ☐ UR ☐ US ☐ UT ☐ UU ☐ UV ☐ UW ☐ UX ☐ UY ☐ UZ ☐ VA ☐ VB ☐ VC ☐ VD ☐ VE ☐ VF ☐ VG ☐ VH ☐ VI ☐ VJ ☐ VK ☐ VL ☐ VM ☐ VN ☐ VO ☐ VP ☐ VQ ☐ VR ☐ VS ☐ VT ☐ VU ☐ VV ☐ VW ☐ VX ☐ VY ☐ VZ ☐ WA ☐ WB ☐ WC ☐ WD ☐ WE ☐ WF ☐ WG ☐ WH ☐ WI ☐ WJ ☐ WK ☐ WL ☐ WM ☐ WN ☐ WO ☐ WP ☐ WQ ☐ WR ☐ WS ☐ WT ☐ WU ☐ WV ☐ WW ☐ WX ☐ WY ☐ WZ ☐ XA ☐ XB ☐ XC ☐ XD ☐ XE ☐ XF ☐ XG ☐ XH ☐ XI ☐ XJ ☐ XK ☐ XL ☐ XM ☐ XN ☐ XO ☐ XP ☐ XQ ☐ XR ☐ XS ☐ XT ☐ XU ☐ XV ☐ XW ☐ XX ☐

MISDEMEANOR VIOLATIONS

FRONT OF FORM UD-10

TRESPASS



MCL 462.273

- Walking, riding, driving, presence on right-of-way or railroad yard restricted; presence, entry, or damage, buildings, rolling stock or equipment; persons excepted from provisions, Sec. 273

(1) Except in the case of a right-of-way designated as a demonstration snowmobile trail in section 15 of Act No. 74 of the Public Acts of 1968, being section 257.1515 of the Michigan

Compiled Laws, a person shall not walk, ride, drive, or be upon or along the right-of-way or yard of a railroad company operating its lines within this state, or go upon or cross the right-of-way or yard at a place other than a public or private crossing, unless having first obtained written permission from the owner or occupant railroad, its agent or servant.

- For purposes of this section, "right-of-way" means the track or roadbed owned by a railroad and that property owned by a railroad which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing, the existence of railroad tracks, or appropriate signs.
- A person shall not be upon, enter, or damage any buildings, rolling stock, or equipment of any railway company operating its lines within this state.
- This section shall not apply to any of the following:
 - Passengers on trains or employees of a railroad company while engaged in the performance of the duties of their employment.
 - An authorized representative of the railroad employees.
 - A person going upon the right-of-way or tracks to save human life or to protect property.
 - A person going or being upon or in the station grounds or depot of the railroad company as a passenger or for the purpose of transacting business with the railroad company.
 - A person, members of his or her family, or his or her employees going upon the right-of-way or tracks for the purpose of crossing from 1 part to another of a farm he or she may own or lease, where the farm lies on both sides of the right-of-way.
 - A person having written permission to go upon the right-of-way or tracks granted by the railroad company, a person using officially abandoned rights-of-way for recreational purposes, the Michigan public service commission, the state transportation department, the interstate commerce commission, or the federal railroad administration.
 - A registered land surveyor or his or her employees for the purpose of making land surveys.
- A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days, or by a fine of not more than \$100.00 or both.

44.VEHICLE REGISTRATION - Required

Code in the Engine # from the lead engine.

48.VEHICLE DESCRIPTION

Fill in information from the Inspection Certificate in the engine crew compartment.

53.VEHICLE TYPE - Required

Code "Other" for (Railroad/Train).

58.VEHICLE USE - Required

Code "11" for "other".

69. PUBLIC PROPERTY DAMAGE - Required

Mark Yes (Y) if the damage was to a Railroad Sign or Signal.

TRAFFIC CRASH REPORTING

The accurate reporting of crashes involving trains is essential to grade crossing safety experts. Proper coding of the Official Traffic Crash Report (UD-10) assures the necessary distribution of crash data to the agencies which require this information for crash analysis and statistical purposes. The following section will help assure consistent reporting of vehicle/train crashes.

The current version and instruction manual for the UD-10 can be found online at: <http://www.michigan.gov/crash>

The following information is directly from the instruction manual and pertains specifically to crashes involving railroads.

Areas not specifically covered in this publication should be completed as in any other crash report.

10. NUMBER OF UNITS - Required

Enter the total number of units (Motor Vehicles, Pedestrians, Bicycles, and Engineers [railroad/train]) that were physically involved.

11. CRASH TYPE - Required

A crash that includes only one motor vehicle as defined in the UD-10 manual. This includes those cases where a motor vehicle was the only traffic unit, and the only motor vehicle involved that collided with a train.

23. AREA - Required

Code "16" for "grade crossing related".

27. LOCATION - Required

Most railroad crossings have a National Inventory (NI) number. This NI number is usually attached to the railroad crossing signal support or the crossbuck sign support at the grade crossing. When locating crashes at or near a railroad crossing, the NI number can be used as a reference point just as a street name could. The NI number has a maximum of six numbers followed by a letter and is displayed at the crossing in this format (233-106-P). When using the NI number to reference a traffic crash, record it as the intersecting street with the following format (RR233106P).

31. UNIT TYPE - Required

Code "E" for "Engineer" (Railroad/Train).

32. DRIVER - Required if known

Enter the information for the engineer in the spaces provided. Print the word "Train" in the space provided for Driver License Number.

36. POSITION - Required

If the unit is an Engineer, enter the code "E" in the right hand box.

DERAILMENT

• MCL 462.257

• Conduct as felony or misdemeanor; penalties. • Sec. 257

- (1) A person who causes or attempts to cause the derailment of an engine, cars, or track vehicle used on railroad tracks by the placing of an impediment upon the track of a railroad, whether the engine, cars, or track vehicle are thrown from the track or not, or who by any other means whatsoever shall willfully endanger or attempt to endanger the lives of persons engaged in the work of the railroad, or persons traveling on the engine or cars of the railroad, is guilty of a felony and subject to imprisonment for life, or any number of years, in the discretion of the court. It shall not be necessary for the people to allege or prove that the person intended to injure or endanger the life of any particular person or persons.
- (2) A person who throws a stone, brick, or other missile at a train or track vehicle is guilty of a misdemeanor punishable by a fine of not less than \$100.00 or more than \$500.00, or imprisonment for not less than 10 or more than 90 days, or both.

• MCL 462.267

• Tampering with lights or banner at switch: penalty. • Sec. 267

- (1) A person not authorized by a railroad company shall not destroy, remove, change, extinguish, to tamper with in any manner, any light or banner attached to or connected with any switch or derailing device maintained by a railroad company.
- (2) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not less than \$100.00, or more than \$500.00, or by imprisonment for not less than 10 days or more than 60 days.

• MCL 750.518

• Boarding railroad train while in motion. • Sec. 518

- Boarding railroad train while in motion—Any person who shall jump or step on board of any railroad train, locomotive or car when in motion except employees and passengers at railway stations shall be guilty of a misdemeanor.



FELONY VIOLATIONS

• **MCL 750.383a**

- **Malicious destruction of property; willfully cutting, breaking, obstructing, destroying or manipulating without authority utility equipment or appliances.**

Sec.383a

Any person or persons who shall wilfully cut, break, obstruct, injure, destroy, tamper with or manipulate any machinery, tools, equipment, telephone line or post, telegraph line or post, electric line, post, tower or supporting structures, electric wire, insulator, switch or signal, natural gas pipe line, water pipe line, steam heat pipe line or the valves or other appliances or equipment appertaining to or used in connection with such lines, or any other appliance whether herein particularly mentioned or not, being the property of any utility, with the intention and without authority to interrupt or disrupt communications or electric, gas, water or steam heat service, or to curtail or impair the utilization thereof, or who shall conspire, aid, abet in or cause to be done any such unlawful acts, shall be guilty of a felony. "Utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for the public use.

• **MCL 750.394**

- **Train, car, or vehicle, throwing, propelling, or dropping stone or object; violation; penalty; "serious impairment" defined.**

Sec. 394

- 1) A person shall not throw, propel, or drop a stone, brick, or other dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle.
- (2) A person who violates this section is guilty of a crime as follows:
 - (a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
 - (b) Except as provided in subdivision (c), (d), or (e), if the violation causes property damage, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.
 - (c) If the violation causes injury to any person, other than serious impairment or death, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.
 - (d) If the violation causes serious impairment to any person, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.
 - (e) If the violation causes death to any person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

• **MCL 462.363**

- **Refusal to submit to chemical test; report.**
- **Sec. 363**

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 359, a test shall not be given without a court order. A written report shall be forwarded by the peace officer to the federal department of transportation. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 361, and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal.



VIOLATIONS BY THE RAILROAD

the result of a chemical analysis of that sample is admissible in any criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

- (10) If after an accident the operator of a locomotive engine involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn by the medical examiner or attending personnel of the medical facility in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or presence of a controlled substance or both. The results of the blood testing shall be released to a prosecuting attorney for use in a criminal prosecution as provided in this section. A medical facility disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.
- (11) The obtaining or analysis of a person's blood, breath, or urine under this section shall not be performed in a manner prohibited by the federal railroad administration, United States department of transportation.

• **MCL 462.36 I**

• **Chemical tests of blood, breath, or urine; consent; administration.** • **Sec.36 I**

- (1) A person who operates a locomotive engine upon the railroad tracks of this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:
 - (a) The person is arrested for a violation of section 353 or a local ordinance substantially corresponding to section 353(1) or (2).
 - (b) The person is arrested for murder or manslaughter resulting from the operation of a locomotive engine, and the peace officer had probable cause to believe that the person was operating the locomotive engine while impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or while having a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.
- (3) The chemical tests shall be administered as provided in section 359.

- (3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.
- (4) As used in this section, "serious impairment" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

• **MCL 750.51 I**

• **Attempt to wreck or endanger safety of passengers.** • **Sec. 51 I**

Attempt to wreck railroad trains or endanger safety of passengers—Any person who shall place upon any railroad any timber, stone, iron or other obstruction, or who shall change any switch or track, or who shall loosen or displace any rail of the track of such railroad, or who shall change the brakes upon any car or cars standing on any railroad track in this state or who shall break down or displace, destroy or injure any bridge, culvert or embankment of any railroad, or do any other act with intent to endanger the safety of any person traveling or being upon such railroad, or to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be guilty of a felony, punishable by imprisonment in the state prison for life or for any term of years.

• **MCL 750.512**

• **Uncoupling locomotive or cars.** • **Sec. 512**

Uncoupling locomotive or cars—Any person, not being employed on any railroad, who shall wilfully and maliciously uncouple or detach the locomotive or tender, or any of the cars of any railroad train, or shall in any way aid, abet, or procure the doing of the same, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars.



NATURAL RESOURCES & ENVIRONMENTAL PROTECTION ACT

OFF-ROAD VEHICLES



MCL 324.81147

Violation of part as misdemeanor or civil violation; penalties.

Sec. 81147

- (1) Except as otherwise provided in this part, a person who violates a provision of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$1,000.00, or both, for each violation of the part.

MCL 324.81133

Operation of ORV; prohibited acts.

Sec. 81133 states in part;

- A person shall not operate an ORV:

- (n) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as established in section 81127.

to a licensed physician or individual operating under the delegation of a licensed physician who withdraws blood or analyzes blood or assists in the withdrawal or analysis in accordance with this section unless the withdrawal or analysis is performed in a negligent manner.

- (5) The tests shall be administered at the request of a peace officer having probable cause to believe the person has committed a crime described in subsection (1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this section within a reasonable time after his or her detention. The results of the test shall be admissible and shall be considered with other admissible evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that after taking a test administered at the request of a peace officer he or she has the right to demand that a person of his or her own choosing administer 1 of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other admissible evidence in determining the innocence or guilt of the defendant, and that the person charged is responsible for obtaining a chemical analysis of the test sample.
- (6) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order, but the officer may seek to obtain the court order.
- (7) This section shall not be construed as limiting the introduction of any other competent evidence, including a video tape recording taken of, and with prior notice to the person, bearing upon the question of whether or not the person was impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whether the person had a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (8) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows: "Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."
- (9) If after an accident the operator of a locomotive engine involved in the accident is transported to a medical facility and a sample of the operator's blood is withdrawn at that time for the purpose of medical treatment,

VIOLATIONS BY THE RAILROAD

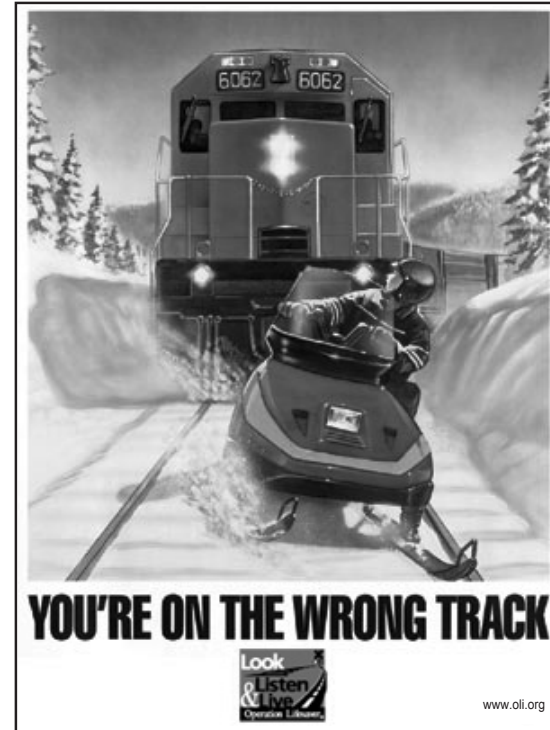
CHEMICAL TESTS

• **MCL 462.359**

• **Chemical test and analysis of operator's blood, urine, or breath.** • **Sec. 359**

- (1) The amount of alcohol or presence of a controlled substance or both in the operator's blood at the time alleged as shown by chemical analysis of that person's blood, urine, or breath shall be admissible into evidence in a criminal prosecution for any of the following:
 - (a) A violation of section 353 or 357 or of a local ordinance substantially corresponding to section 353(1) or (2) or 357.
 - (b) Manslaughter or murder resulting from the operation of a locomotive engine while the operator is alleged to have been impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or to have had a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (2) If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.
- (3) Except in a prosecution relating solely to a violation of section 353(2), the amount of alcohol in the operator's blood at the time alleged as shown by chemical analysis of that person's blood, urine, or breath shall give rise to the following presumptions:
 - (a) If there was at the time less than 0.04% grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it shall be presumed that the person was not impaired by or under the influence of intoxicating liquor.
 - (b) If there was at the time 0.04% grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it shall be presumed that the person was impaired by or under the influence of intoxicating liquor.
- (4) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this section. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach

SNOWMOBILES



• **MCL 324.82133**

• **Violation of part;** • **misdemeanor.** • **Sec. 82133**

Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor.

• **MCL 324.82126**

• **Operation of snowmobile; prohibitions; construction, operation, and maintenance of snowmobile trail; conditions; "operate" defined; prohibited conduct; assumption of risk.** • **Sec. 82126 states in part;**

- (1) A person shall not operate a snowmobile under any of the following circumstances:
 - (j) On a railroad or railroad right-of-way. This prohibition does not apply to railroad personnel, public utility personnel, law enforcement personnel while in the performance of their duties, and persons using a snowmobile trail located on or along a railroad right-of-way, or an at-grade snowmobile trail crossing of a railroad right-of-way, that has been expressly approved in writing by the owner of the right-of-way and each railroad company using the tracks and that meets the conditions imposed in subsections (2) and (3). A snowmobile trail or an at-grade snowmobile trail crossing shall not be constructed on a right-of-way designated by the federal government as a high-speed rail corridor.



VIOLATIONS BY THE RAILROAD

OBSTRUCTION OF TRAFFIC

• MCL 462.391

• Obstruction of vehicular traffic; offenses as separate violations; penalty; allocation of fines. • Sec.391

- (1) A railroad shall not permit a train to obstruct vehicular traffic on a public street or highway for longer than 5 minutes at any 1 time, except the obstruction shall not be considered a violation under the following circumstances:
 - (a) If the train is continuously moving in the same direction at not less than 10 miles per hour for not longer than 7 minutes.
 - (b) If the railroad can show that the incident occurred as a result of a verifiable accident, mechanical failure, or unsafe condition.

NOTE: A decision on March 21, 2002, by the Sixth Federal Circuit Court of Appeals ruled that issuing citations to railroad companies for this section is unconstitutional. Therefore, no enforcement action is to be taken under subsection (1).

- (2) A railroad shall not permit successive train movements to obstruct vehicular traffic on a public street or highway until all vehicular traffic previously delayed by such train movements has been cleared.
- (3) A railroad company shall not permit its employees to allow the activation of active traffic control devices at a railroad grade crossing for more than 2 minutes if there is no intention to move a train or track equipment through the crossing within 20 seconds to 60 seconds after the activation of the devices.
- (4) Each offense under this section shall be a separate violation punishable by a fine of not more than \$500.00 unless the railroad is willfully, deliberately, and negligently blocking vehicular traffic and then the fine shall be not more than \$1,000.00 and the costs of prosecution.
- (5) All fines civil or otherwise collected by a local unit of government in excess of \$10,000.00 annually from the enforcement of a local ordinance substantially similar to this section shall be allocated as follows:
 - (a) Fifteen percent shall be retained by each local unit of government for costs of enforcement of the ordinance.
 - (b) Eighty-five percent shall be deposited in a railroad grade crossing safety fund. The revenue collected in this fund shall be used solely for railroad grade crossing safety projects in these local units of government.

- A written report shall be forwarded by the peace officer to the United States Department of Transportation. The report shall state that the officer had reasonable grounds to believe that:
 - The person had committed a crime (OUIL, Per Se, or Impaired),
 - That the person had refused to submit to the test on the request of the peace officer, and
 - The person had been advised of the consequences of the refusal.
- The officer should request a search warrant for the person's blood per local prosecutor policy.

DECEASED OPERATOR • MCL 462.359 (10)

- If after an accident the operator of a locomotive engine involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn by the medical examiner or attending personnel of the medical facility in a manner directed by the medical examiner for the purpose of determining BAC or the presence of a controlled substance or both.
- In the absence of railroad police or authorities, the investigating officer shall inform the medical examiner that two samples of blood need to be withdrawn; one to be submitted to the Michigan Department of State Police using the standard alcohol specimen collection kit, and the other to be submitted to the Federal Railroad Administration in a specimen kit provided by the involved railroad, pursuant to the Code of Federal Regulations, Title 49, §219.207.

ENFORCEMENT

- Violations shall be written on a Uniform Law Citation, and a warrant sought through normal procedures. Local prosecutor policy shall be adhered to in lieu of this section.
- To make an arrest, the following procedures have been established:
 - Determine who was operating the train.
 - Perform standard sobriety tests.
 - A preliminary breath test may be administered; however a refusal is not a violation.
 - Lodge the offender in the county where the offense occurred, or
 - Turn the offender over to his or her supervisor, or the investigating railroad authorities.
 - Interim bond shall not be taken.



VIOLATIONS BY THE RAILROAD

- (9) Before imposing sentence for a violation of this section, the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.
- (10) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to the penalty imposed for violation of this section.
- (11) As used in this section, "prior conviction" means a conviction under this section, a local ordinance substantially corresponding to subsection (1) or (2), or a law of another state or the United States substantially corresponding to subsection (1) or (2).

MCL 462.357

- **Locomotive engine; authorization or knowledge of operation by person under influence of alcoholic liquor or controlled substance.**
- **Sec.357**

The owner of a locomotive engine or the person in charge or in control of a locomotive engine, or a person acting as a conductor of any train of cars, shall not knowingly authorize or knowingly permit the locomotive engine to be operated upon the railroad tracks of this state by a person who is impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance or who has an alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100.00 nor more than \$500.00, or both, together with costs of the prosecution.

CHEMICAL TEST REFUSAL

MCL 462.363

- Michigan law requires a police officer to advise a person who refuses to submit to a chemical test of the consequences of their refusal.
- Most railroads have a strict employment policy that an employee refusing to submit to a chemical test requested by a police officer having reasonable suspicion that the employee was under the influence of alcohol or drugs will result in a suspension of employment.
- The Code of Federal Regulations, Title 49, § 219.213 provides that an employee who refuses to cooperate in providing a blood or urine sample to the railroad following an accident or incident other than a car/train collision shall be withdrawn from covered service and shall be deemed disqualified for covered services for a period of nine (9) months.

INVESTIGATING ALCOHOL/DRUG RELATED INCIDENTS

FEDERAL REGULATIONS PERTAINING TO OPERATING A TRAIN UNDER THE INFLUENCE

Title 49--Transportation

Chapter II--Federal Railroad Administration, Department Of Transportation

Part 219--Control Of Alcohol And Drug Use

Subpart A--general

Sec. 219.13 Preemptive effect

- (a) Under section 20106 of title 49, United States Code, issuance of the regulations in this part preempts any State law, rule, regulation, order or standard covering the same subject matter, except a provision directed at a local hazard that is consistent with this part and that does not impose an undue burden on interstate commerce.
- (b) FRA does not intend by issuance of the regulations in this part to preempt provisions of State criminal law that impose sanctions for reckless conduct that leads to actual loss of life, injury or damage to property, whether such provisions apply specifically to railroad employees or generally to the public at large.

Subpart C--Post-Accident Toxicological Testing

Sec. 219.201 Events for Which Testing is required.

219.201 states in part;

- (a)(4)(b) Exceptions. No test may be required in the case of a collision between railroad rolling stock and a motor vehicle or other highway conveyance at a rail/highway grade crossing. No test may be required in the case of an accident/incident the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado, or other natural disaster) or to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.



VIOLATIONS BY THE RAILROAD

MICHIGAN LAW AND ENFORCING ALCOHOL/DRUG RELATED INCIDENTS

An officer seeking alcohol or drug related charges against an employee of the railroad under any circumstances involving a rail-related incident should first consult with their local prosecutor and do so jointly with the involved railroad police authority.

If it is determined that it is appropriate to charge the employee under state law the following guidelines should be followed:

Providing a peace officer had reasonable grounds to believe that a person was operating a locomotive engine while under the influence, a person who operates a locomotive engine on the railroad tracks of this state is considered to have given consent to chemical tests of his or her blood, breath, or urine if:

- The person is arrested for OUIL, Per Se, or Impaired, or
- The person is arrested for manslaughter resulting from the operation of a locomotive engine.

CHEMICAL TEST PROCEDURES

: MCL 462.359

Sec. 359

- Do not read Chemical Test Advice of Rights.
- Miranda rights shall be read to the arrested subject prior to requesting a chemical test.
- The officer chooses the type of test to be given.
- The person charged shall be advised that if he or she refuses the request of a peace officer to take a chemical test, a test shall not be given without a court order.
- A person who takes a chemical test shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described within a reasonable time after his or her detention. The person charged shall be informed that after taking a test administered at the request of a peace officer he or she has the right to demand that a person of his or her own choosing administer one of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.
- A written report shall be forwarded by the peace officer to the United States Department of Transportation.
- The report shall state: that the officer had reasonable grounds to believe that the person had committed a crime (OUIL, Per Se, or Impaired), and the results of the test.



UNDER THE INFLUENCE

: MCL 462.353

: Sec.353

- (1) A person who is under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whose ability to operate a locomotive engine is visibly impaired due to the consumption of alcoholic liquor or a controlled substance or both shall not operate a locomotive engine upon the railroad tracks of this state. A peace officer may, without a warrant, arrest a person when the peace officer has probable cause to believe that the person, at the time of an accident, was the operator of a locomotive engine involved in the accident and was operating the locomotive engine upon the railroad tracks of this state while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- (2) A person who has an alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a locomotive engine upon the railroad tracks of this state.
- (3) Except as otherwise provided, a person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100.00 nor more than \$500.00, or both, together with costs of the prosecution.
- (4) A person who violates this section within 7 years of a prior conviction may be sentenced to imprisonment for not more than 1 year, or a fine of not less than \$200.00 or more than \$1,000.00, or both, together with costs of the prosecution.
- (5) A person who violates this section within 10 years of 2 or more prior convictions is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not less than \$500.00 or more than \$5,000.00, or both, together with costs of the prosecution.
- (6) A person who operates a locomotive engine in violation of subsection (1) or (2) and by the operation of that locomotive engine causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.
- (7) A person who operates a locomotive engine in violation of subsection (1) or (2) and by the operation of that locomotive engine causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.
- (8) As part of the sentence for a violation of this section, the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 45 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.

